

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 05-CR-107

-vs-

**DEMARIUS DEAN and,
DARNELL ELLIS,**

Defendants.

ORDER

The defendants Demarius Dean (“Dean”) and Darnell Ellis (“Ellis”) brought motions to suppress based on the failure of law enforcement officers to obtain a warrant, possess probable cause and/or have exigent circumstances to enter the premises located at 3758 N. 40th Street in the City of Milwaukee. In addition, Dean seeks to suppress evidence on the grounds that if there was an illegal entry Dean had standing to object. Lastly, if no standing is found, that the evidence should be suppressed because it was the fruit of an illegal seizure.

Objections were made to the Magistrate Judge’s recommendation denying the defendants’ motions. The Court, having read the submissions, rules as follows. The Court adopts the Magistrate Judge’s recommendation *in toto* and relies upon the Magistrate Judge’s rational supporting that decision.

**THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY
ORDERED THAT:**

1. Dean's motion to suppress is **DENIED**.
2. Ellis' motion to suppress is **DENIED**.

Dated at Milwaukee, Wisconsin, this 3rd day of November, 2005.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge